

Meeting of 2000-11-14 Regular Meeting

MINUTES
REGULAR MEETING
LAWTON CITY COUNCIL
NOVEMBER 14, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 Frank Jensen, Deputy City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Rev. Kelvin Paige, New Zion Missionary Baptist Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

PRESENTATION OF WASTEWATER PLANT OF THE YEAR AWARD

A plaque from the Oklahoma Water Pollution Control Association was presented to Jerry Ihler, Lou Browning, Ronnie Graves and Jimmy Blake in honor of Lawton's Wastewater Treatment Plant being named the number one plant in the State of Oklahoma.

PROCLAMATION FOR OKLAHOMA HERITAGE WEEK

Mayor Powell read the proclamation declaring November 12-18 as Oklahoma Heritage Week, encouraging residents to remember their heritage. The proclamation was presented to Kim McConnell, reporter for The Lawton Constitution.

CONDUCT DRAWING FOR ELK HUNTING PERMITS

Two ministers in the audience drew names for participation in the elk hunt as follows: Robert A. Edmonson, Jr., Eugene P. McDonald, Gary A. Lopez, Roland M. Floyd, Stephen Meade, Mike Sanfellipo, Les L. McKenzie, Gary Douglas, Robert Gregory, James Eason. Edwin Schettler was drawn as an alternate.

BRIEFING ON LAWTON/FORT SILL VETERANS CENTER

Mayor Powell congratulated Hardy Stone on being selected as Citizen of the Month, noting that his award was presented at the AUSA Banquet last night. Stone introduced Dewayne Webb, Veterans Center Director, to present the briefing.

Webb said construction will begin in January 2001 on the most modern and spacious long-term care veterans' center in the nation. Estimated project cost is \$34 million; \$22 million is federally funded and \$12 million is State funded. The facility will be located on E Gore Boulevard at Flower Mound Road and the City of Lawton is putting in the utilities. The center will have 200 beds and offer minimum, intermediate and skilled nursing levels of care, to include Alzheimer and dementia care. The 200,000 square foot center will be located on an 80-acre tract and there will be no steps or elevators; complete accessibility to all facilities will be available to those in wheel chairs. Webb described the amenities that will be provided at the center, which will have approximately 250 employees, a \$12 million per year operating budget with \$9.5 million of that amount being for payroll. Completion is scheduled for January 2003 and a patient waiting list will be initiated six months prior to that time. Temporary offices will be in place in December; bid advertisement for a general contractor will be done with bids to be opened on December 19, 2000.

Webb said the City Council was asked to provide \$350,000 for utility work to support the center, and that was approved, so the center will have that amount of funding available to use for patient care, and he thanked the City for that support. He thanked Johnny Owens for providing office space to this point and said that attitude was typical of how they had been received by the Lawton-Fort Sill community.

Mayor Powell expressed appreciation for this facility being located here, for the economic impact it will provide to area residents, and for the services it will provide to the veterans.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF OCTOBER 24, 2000 AND SPECIAL MEETING OF NOVEMBER 7, 2000.

MOVED by Devine, SECOND by Haywood, for approval of the minutes. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Raymond McAlister invited the public to attend the Boulevard of Lights Parade this Friday evening and wished everyone a Happy Thanksgiving and holiday season.

Pat Paige, Program Director for the Lawton Outreach Center Weed and Seed Project, explained the Weed and Seed Program and accomplishments that have been made since this effort started in February 1999. She presented Certificates of Appreciation to the City of Lawton, Councilmembers Smith and Haywood, City Manager Baker and Police Chief Bill Adamson.

BUSINESS ITEMS:

1. Hold a public hearing and consider an ordinance closing the SW C Avenue right-of-way between 26th and 27th Street and the west 350 feet of the alley in Block 11, College Addition submitted by Cameron Baptist Church, and declaring an emergency. Exhibits: Application; Map; Council Policy 5-1; Proposed Building Phases; Ordinance 00-44.

Deborah Jones, Assistant City Planner, said the purpose of the closure request is to accommodate a multi-phase building expansion of the church. The application was submitted to the private and public utilities, there are private and public utilities in these areas to be closed and later vacated. Staff recommendation was for approval of the request, subject to the applicant bearing all expenses for relocation of private and public utilities, and the applicant has agreed.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Devine, SECOND by Baxter, to approve Ordinance 00-44, waive reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) Ordinance 00-44

An ordinance closing the SW C Avenue right-of-way between SW 26th and 27th Street and the west three hundred and fifty feet (350') of the alley in Block 11, College Addition, to the City of Lawton, Oklahoma; and declaring an emergency.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

Item 4 was considered at this time due to interest from the audience.

4. Consider adopting an ordinance amending Section 5-501, Chapter 5, Lawton City Code, 1995, adding neuter/spay incentives for animals; changing license fees; adding license fees and impound fees for altered and unaltered animals; and consider adopting a resolution; and providing for severability. Exhibits: Ordinance 00-____; Resolution 00-____.

Smith said there has been a great deal of confusion so he suggested the item be pulled, and the Mayor appoint a committee to further study the issues, and those in the audience who are interested could volunteer to sit on the committee. Mayor Powell said Councilman Smith, the initiator of the item, requested it be pulled, and some of the language in the documents is not acceptable, one way or the other. Mayor Powell said the issues need to be worked out in a peaceful manner, he named Councilman Smith as the Chairperson of the committee, and asked if other Councilmembers or persons from the audience would like to serve. Volunteers from the audience, and who were opposed to the proposal, were: Carlos Sowers, Debra Mullin, Billye McNeil, Cliff Pate, and Sylvia Crockett. Those in favor, to serve on the committee, were Jack Mortell and Rose Wilson. Volunteers were asked to call the Mayor/City Manager's office to provide addresses and phone numbers. Comment was received due to persons being present to speak.

Dr. Joe Kiehn, 7911 NW Folkstone Way, said he served on the Council from 1988 to 1992 and this was addressed in 1990; there was a lot of controversy and it is not an easy issue. He said he had been a veterinarian in Lawton for 25 years and in 1975 there was not an animal license; in 1990 a voluntary animal license was developed with the thought that it could help control animal overpopulation. Statistics show animal licensing does not help control overpopulation, he did not know how many pets are actually licensed and probably about 20% of the animals have the legally required rabies vaccine.

Kiehn said Section 5-501 talks about allowing an Animal Welfare Officer to inspect a complaint; someone across town or a neighbor could complain and you will have essentially tried to force someone to sterilize an animal and this is completely unacceptable. The fees objected to when Kiehn was on the Council were \$200 to \$250 to get a pet back from the shelter, and many do not have that kind of money so the pets are either destroyed or possibly adopted, but some of the fees can be so high that you essentially encourage euthanasia rather than redemption of the animals by their owners. Kiehn said he had told people to wait until the animal goes up for adoption, then go adopt it for \$65; there are loopholes. He said the ordinance states that altering could be waived if the owner has a written statement from a licensed veterinarian that it could essentially affect the life or health of the animal; most people would probably agree that this would be a loophole because any time you go under anesthetics and surgery, there are risks; they are very small but they are there.

Kiehn said animal regulations are kind of like gun control; the honest people do not need it, the loving pet owner takes care of their pet and does not let it roam at large, they do not cause a pet overpopulation problem, and the responsible pet owners are in the audience tonight. He said several were clients and they may have a litter of puppies once every three or four years, and those puppies are selectively placed to homes that will show them or provide them a good home. Kiehn said trying to fine a responsible pet owner by charging them a higher license for being unaltered is a discriminatory act in his view and it is not right.

Kiehn said appointing a committee is the right direction to try to work out the differences. He said to redeem an unaltered dog or cat, according to the proposed fee schedule, with a current rabies vaccination and City license, the charge will be \$80 and on the second time it would increase to \$160, which would encourage owners not to pick up their pets, and encourage more euthanasia instead of saving them. Kiehn said local vets offer low cost neuter/spay for animals adopted from the shelter, about \$35, to try to help get the pets adopted and it is a good program. He said many pets are adopted from the shelter, but there are so many that you cannot adopt them all. Kiehn suggested the committee try to work out reasonable fee structures on the various items, and the major concern is trying to force people to alter their animals and buy licenses because the license will not help control overpopulation. He said he is against the ordinance as written, and against the fee structures. Kiehn said these issues are hard to enforce through ordinances or trying to blackmail people to do certain things.

Debra Mullin said the background information speaks in general terms but this ordinance will not affect any place but Lawton. She said a newspaper article stated Lawton's euthanasia rate was 12,000 per year but she had found out that was incorrect, and Lawton's average has been 4,800 per year over the past four years. Mullin said ten years ago, the figures they were given came out to about 8,000 to 9,000 so it has been about a 50% decrease. She said the higher fees are penalties, not incentives, and fees for fishing, hunting or other hobbies range from \$10 to \$15. Mullin said the proposal speaks of impounded animals as a result of a complaint, but no mention is made about a right to due process and no hearing is provided, so you either pay the \$115 fine or spay or neuter your pet. She said the high fees do not encourage redemption of animals. Mullin asked where the due process is in proving that people with in-tact animals are posing a problem to the health, safety and welfare of this community. She said when fees are this high, she considers them to be fines and they are unreasonable and discriminatory, and the incentive is nothing short of coercion with the ultimate goal being to force owners to spay or neuter. Mullin said in the case of a show dog, this causes the unreasonable devaluation of one's own property.

Mullin said the current ordinance, Section 5-503, B, states that records at the shelter are open to public inspection. She said she suspected this could be a violation of the right to privacy and related a problem she had in this regard a few years ago. Mullin said she would like to see the proposal rejected and asked if it could be considered an abuse of power. She asked if the City had the right to be so restrictive that it violated civil rights.

Mayor Powell said he hoped those in attendance noticed the willingness of the governing body to work with them in this regard.

Smith said there seems to be a lot of hostility, but they must deal daily with things such as a report being turned in about seven dogs locked up in one yard and the owner is being fined for that and the owner will have six of the dogs put to sleep. He said that is what is being encouraged so they want to receive input to prevent such things from happening.

MOVED by Smith, SECOND by Moeller, to table and those who volunteered to be on this should contact the City Manager's Office tomorrow with their name and phone number. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

2. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Public/Quasi-Public and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at 2241 NW Williams Avenue. Exhibits: Resolution 00-____; Ordinance 00-_; Map; Applications; Site Plan; CPC Minutes; Land Use Map and Zoning Map.

Deborah Jones, Assistant City Planner, said a request was filed by Jimmy Northcutt, owner of this property, on behalf of the applicant, Lawton Outreach Weed and Seed, to rezone and amend the Land Use Plan for property at 2241 NW Williams. Zoning of the surrounding area is R-3 to the north, R-1 to the south and east, R-3 and R-2 to the west; land use of the surrounding area is apartments to the north, single family residential to the south and east, and apartments and duplexes to the west. On October 12, the City Planning Commission held a public hearing on this request; no one spoke in opposition and one person spoke in favor of the request. The CPC, by unanimous vote, recommended approval of the amendment to the 2020 Land Use Plan and the rezoning. Notice has been mailed to 29 property owners within 300 feet of the requested

area and notice was published in The Lawton Constitution; no calls of either opposition or support have been received.

Shanklin asked why this was located in a residential area. Jones said she understood their programs were targeted to a specific residential area that is encountering high crime and needs such social programs, therefore, they needed to locate in the target neighborhood. Mayor Powell said that is the purpose of the program.

Devine said he understood the purpose of Weed and Seed was to keep the people in charge of it on the premises to give the people a more beneficial feeling toward that and of those programs. He said if he understood correctly, the reason they were moving was that they wanted to move the office out of the apartment complex and are moving it into a private, individual, residential home, and he could not support it. Devine said he would like to see it stay, it has been successful being on-site and instead of using this for another office, he would like to see it stay in there. He said it was not a major reason but he felt that is what should be done.

Baxter asked what the areas were in blue on the viewgraph. Jones pointed out two sets of apartment complexes, and said the blue areas represent Pollard Park, a small playground, and the old St. Barbara's Catholic School. Baxter asked if there were public or quasi-public sites in the area. Jones said only those being used by the schools or parks. Jones said Public Facilities zoning was chosen because it is very limited and is often used for schools and playgrounds in residential areas; it does not allow commercial activity. She said the office building could provide these social programs and should have more parking spaces, but it could not be used for retail activity or sales.

Purcell asked if this function is being performed in any location now in this general area. Jones said Weed and Seed is temporarily located in the house for which the rezoning is being sought. Baxter asked for it to be pointed out and Jones pointed to the location on the viewgraph map. Jones said there is a police substation in the Professional Development Center at the former St. Barbara's School. Purcell said he understood the activity is in the house we are trying to rezone, and he asked if nothing else can be there if this is rezoned, such as a laundry or other things. Jones said there could be no commercial activity; there could be another public use, for instance, a police substation could go in a Public Facilities zone, or an educational use or the City could have a recreational program out of this house, but it would be very limited. Mayor Powell asked if that could automatically happen or if it would have to come back before Council. Jones said zoning runs with the land, so if it is zoned Public Facility, it will run with the land, not the ownership.

Baxter asked where their former location was. Jones said their director may need to address that. Baxter asked if Weed and Seed was in another location in that neighborhood before. Pat Paige said in January they were in south Lawton, and after their recognition, they moved to the north side because that is the official Weed and Seed site, and they were in the Ambassador-Diplomat Apartments. Paige said once the apartments received their grant, the apartments are setting up their neighborhood center in there, which is a three bedroom apartment, which then gives Weed and Seed a very limited use of that space. Paige said based on the information from Washington that came with the grant, that is not enough space to operate under and do the things they need to do. Paige said the apartment location is directly across the street from where they are now, and secondly, she understood that because they were not incidental to the apartment complex as part of an office or under their heading, Weed and Seed could not operate in those apartments anyway. Paige said they are operating and have been operating across the street since May and did not realize they needed to request rezoning.

Purcell asked if the other quasi-public function being performed in the apartment complex would require rezoning. He said he understood Paige to say Weed and Seed had to move out because another group was taking over that space, and asked Paige if that was correct. Paige said the multi-family drug elimination grant was a grant that was granted to the apartments, and the apartments are doing renovation to a three bedroom apartment for their residents to use, and that was the apartment Weed and Seed was previously in. Purcell said it seemed the same space was being used in the apartments to do a quasi-public official function, even though it is not Ms. Paige's group doing it, so will it have to be rezoned also. Jones said if the grant is incidental and applicable only to the residents of the apartment complex, and no one else can come in from the neighborhood and avail themselves of the services, it could be an incidental activity, although it was the first she had heard of it tonight. Jones said laundromats are provided for apartment complexes but the general public cannot use them, so it is an incidental use for the complex.

Mayor Powell asked if this had anything to do with Ms. Paige's request being considered tonight. Paige said Weed and Seed is totally separate and different and it is for the neighborhood. Mayor Powell asked what will happen if the rezoning request is not approved. Jones said they would be seeking a new location where they are in zoning compliance.

Devine said he understood the Weed and Seed program was working well with them being on site and on the property, and he understood they were moving all of that out of the apartment complex and into this house. He said he does a lot of service work in that general area and people had asked that it not be moved because they feel they are intimidated, and he knew this really had nothing to do with the petition to try to rezone it but he hated to see it move out of the apartment complex because the whole idea was to keep in there so people could be right there and talk with the people and not have to go off the premises.

A Weed and Seed representative said Council was trying to limit them, and they could not be limited to just that complex. He said they had just met with a person from Washington and Weed and Seed is for that neighborhood and must encompass that whole block; they were not planning to encompass from 38th Street all the way back but they were told they had to. He said they are being limited to just this one complex and they must also look at spaces; if they go to the apartment complex, the complex would be in control of Weed and Seed's movements. He said there was a problem in Oklahoma City where they were kicked out of an apartment complex and there were a lot of problems, so they do not

suggest that we wind up in the same predicament as they were in so far as being controlled by an apartment complex where people can tell them when to come, say they do not want them in there or do not want this or that. Mayor Powell said they were trying to say they want a location where they can serve the entire area and the representative agreed.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Devine, SECOND by Baxter, to deny the rezoning. AYE: Shanklin, Moeller, Baxter, Devine. NAY: Smith, Hanna, Purcell. ABSTAIN: Haywood. (*Note: Haywood passed on the first roll call. Devine originally voted no but changed his vote to yes before the vote was announced.) Mayor Powell said four persons voted to deny the changing of the zoning, one abstained, and three voted in essence to let the zoning go forth. Jensen said five affirmative votes are needed in a situation such as this. Mayor Powell said the motion therefore failed.

MOVED by Purcell, SECOND by Smith, to approve the ordinance and resolution.

The City Clerk read the title to the ordinance and called the roll as shown below.

VOTE ON MOTION: AYE: Smith, Hanna, Purcell. NAY: Moeller, Baxter, Devine, Shanklin. ABSTAIN: Haywood. Mayor Powell said it failed and the request has been denied.

3. Hold a hearing to consider an appeal concerning the Administrative Order to secure the property at 6713 NW Oakdale Drive and affirm, reverse or modify the Administrative Order. Exhibits: Appeal; Memo.

Manuel Cruz, Neighborhood Services Division, Code Enforcement Officer, said a complaint was received from the Building Development Department on October 19 on an unsecured structure at 6713 NW Oakdale Drive. Property was inspected on October 24 by Cruz, who found a vacant, unsecured structure; there is not a front door. Cruz said the house was under construction and the permit had expired May 6, 2000. The garage area was also open; the house does have all of its windows and it is about 75% complete. Cruz said he would speculate that the house right now is worth about \$155,000. An Administrative Order was mailed to the property owners, Joe Mack and Sally Greenlee, and to the mortgage holder, Bobby Mansell, on October 24. Cruz said he was not personally able to contact Mr. Greenlee, which he likes to do as a courtesy, but he was successful in talking to Mr. Mansell. Cruz said Mansell had asked him in the past if he came across properties where he was the owner or the mortgage holder that Cruz call and he did call and talk with him, and that Mansell works very well with the City. Cruz said Mansell told him he was going to have the property secured; on November 2, 2000, he received an appeal from Mansell's attorney for the City to halt the securing of the property.

Cruz said Neighborhood Services recommends the Administrative Order be upheld because the property was vacant and unsecured at the time of issuance. He said they take vacant and unsecured structures very seriously because they present a problem in the community, and by securing them, we can keep vandalism, vagrants, intruders, children going to and from school who might go in there to play, or others, from going in, so they want to secure the neighborhood. Cruz said they like to have complaints such as this dealt with immediately.

Shanklin asked if this is a new house that is under construction. Cruz said yes, the permit expired in May, the yard is clean, and it appears the work has stopped; the house is about 75-80% complete, all it needs is plywood where the doors should be and to secure the garage area.

Mayor Powell asked if Mansell owns the property at this time. Cruz said Mansell is the mortgage holder. Mayor Powell asked if Mansell was willing to secure it. Devine said yes, Mansell is willing to secure it and he should have had it done by now. Devine asked Moeller if she knew if it was secured. Moeller said she went by the other day and it was not secured, and it is in Grayson Mountain Estates, which are upper scale homes, but it is wide open; the front door has a board across it, the back door had a board across it but it had come loose and the garage is wide open, and she went through the house. Cruz said he had pictures taken from the road since he was told not to be on the premises.

Baxter asked Cruz if Mansell gave him the impression that he was going to board it up and if he could be given time to do so. Cruz said Mansell called him the following day and said he put a piece of plywood across the front door, but it was not to our satisfaction and Mansell knows how to properly secure the property.

Purcell asked if the appeal was that Mansell did not want to secure the property. Baxter said he did not believe Mansell wanted to put any more money into the house. Purcell said it needs to be secured and asked why Mansell did not just secure it instead of appealing it. Purcell asked if Council grants the appeal, does that mean Mansell does not have to secure it or if they deny the appeal, Mansell has to secure it, or if he does not, the City would secure it. Cruz said Mansell has not secured it and he did not think Mansell wanted to invest the money to secure it, and in other words, he was trying to tell us to back off. Mayor Powell said he understood Cruz to say Mansell said he was going to secure it. Cruz said Mansell told him he would secure it and Mansell put a little piece of plywood across the front door but that was not sufficient. Mayor Powell asked what Cruz was requesting. Cruz said he was present as a result of Mansell's appeal and the property still needs to be secured. Mayor Powell asked if Cruz recommended denial of the appeal and Cruz said yes. Baker said staff recommendation is that we issued a valid, legitimate Administrative Order and we are asking that the Order stand and to deny Mansell's appeal.

Moeller said assuming the appeal is denied, how long would Mansell have to get it boarded and secured. Cruz said it should be done as soon as possible and he would prefer 24 hours if possible, and Mansell has done that in the past.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Purcell, SECOND by Smith, to deny the appeal. AYE: Smith, Purcell, Moeller. NAY: Haywood, Baxter, Devine, Shanklin. ABSTAIN: Hanna. MOTION FAILED (*Haywood passed on the initial roll call.)

Jensen said the Administrative Order is withdrawn due to this action. Shanklin asked if Mansell had to board up the house and Mayor Powell said he does not have to do anything. Baxter said he felt there were mitigating circumstances. Mayor Powell said those circumstances should not be discussed on the floor and there is a lot of background. Baxter said he did not feel Mansell should be held responsible and Mayor Powell agreed.

Frank Squeo, 7611 SW Cherokee Avenue, was recognized to speak regarding the animal issue. He said Lawton spends a lot of money killing animals; thousands of cats and dogs are roaming the City and they eventually end up in the Animal Shelter and a few are adopted but most are killed. Squeo said U.S. News and World Report had a cover story about whether animals have feelings and it was decided after many years of study that they do; he summarized an example from the story. Squeo spoke about an animal facility in Long Island, New York, where animals are not destroyed and it is supported by donations. Mayor Powell welcomed Squeo to join the committee and asked that he call the office if he would like to do so.

5. Consider approving the City Manager's recommendation for the use of the remaining balance of the 1995 CIP. Exhibits: City Manager's Recommendation; 1995 CIP Summary.

Baker said approximately \$3 million in unappropriated funds from the 1995 CIP was identified in August and Council directed that Baker return a proposed program of expenditure. He said the Assistant City Manager chaired a committee of the same persons who put together the 2000 CIP; a series of meetings were held and a recommendation was presented to Baker. Baker said he considered the recommendation, as well as the recommendations from Council, and tried to develop a plan to spend the funds in an orderly fashion addressing priority items.

Baker reviewed the recommendation as follows: 1) \$400,000 for additional McMahon Park Improvements. The City made commitments to the McMahon Foundation several years ago when the land was donated and the City needs to make good on those commitments. 2) \$1.3 million is requested for Flower Mound Road from Lee to Gore; State funds will likely be appropriated if Lawton can provide these matching funds and it will assist the Veterans Center. 3) \$200,000 for a skateboard park; this was moved up during discussion of the five-year Parks & Recreation plan and it does not include an in-line hockey facility. 4) \$95,000 for repairs of the roofs at McMahon Auditorium and at the Lawton Community Theater. 5) \$600,000 for residential street repair to address at least the top three priorities that staff has identified. 6) \$190,000 for additional storm sirens to provide more coverage in the City. Baker recommended that \$100,000 be set aside in a contingency account; there are outstanding 1995 CIP projects, parks, 82nd Street, Middle Branch of Wolf Creek, and other needs that may come up in the future.

Baxter said on the storm warning sirens, Lawton recently received Project Impact money and he understood we had to provide \$100,000 to acquire all of the funds. Baker agreed. Baxter asked if the \$190,000 for the storm sirens could be used to meet that requirement. Baker said according to the FEMA representative, it cannot be. Baxter suggested the individual's boss should make a decision. Baker said he understood that someone from the State Emergency Management Office did tell someone that Project Impact funds could be used for storm sirens, but that was not FEMA, and FEMA told us point blank that Project Impact funds cannot be used for storm sirens and a letter was requested. Baker said other projects, such as the Middle Branch of Wolf Creek which deals with flooding, could be used as match, and most cities come up with enough in-kind expenses to not require a hard cash match. Baxter said the letter has not been received from the Denton FEMA office and a letter will be coming from Washington, D.C.

Moeller asked if funds have been set aside to buy the houses involved in the Wolf Creek Project. Baker said yes, funds were appropriated for that and the project is still under design by the Corps of Engineers. Moeller asked if Project Impact could be involved and Baker said he was not sure. Baker said we were advised that if we used federal funds from the Corps of Engineers that we may not be able to use the Project Impact for the same thing.

Moeller said she was led to believe that Flower Mound Road would be funded by the State. Mayor Powell said public access funds were being sought since the Veterans Center was going in, an application was made a couple of years ago, and Bob Rose from ODOT had requested it, but those funds were not appropriated. Mayor Powell said Dr. Gibson still thought the State could provide the funding, but funds were needed for Fort Sill at Key Gate, the railroad tracks immediately to the north coming under I-44, there was a need to reconfigure that because larger trains will be needed for quick troop mobilization and equipment. He said that was thought to be a \$13 million project because the bridge will have to be expanded and a lot of work done, but Dr. Gibson and Bob Rose met with officials at Fort Sill about a week ago and it was found that the project will cost around \$17 million, so the funds that they thought could be used for Flower Mound will not be available. Mayor Powell said Dr. Gibson and Bob Rose came to his office and requested in-kind funding for Flower Mound and assured him they would make sure the State funding was there to complete the road in its entirety for the one mile from Lee to Gore. Moeller asked if all sources for funding were exhausted. Mayor Powell said yes, to his knowledge, and Dr. Gibson had worked very hard to get funds for this. Moeller said the VA Center is absolutely phenomenal to our area and she supported it.

Moeller said she was not happy they could only get three streets out of the money, but we all have to give somewhere. She

said if there are any excess funds at all, the fourth street priority was very expensive, but if \$150,000 could be found, we could skip down and do Hunter Road, which is a terrible street with a drainage problem. Moeller requested Hunter Road be considered a high priority if any funds remain.

MOVED by Haywood, SECOND by Baxter, to approve the City Manager's recommendation for the use of the remaining balance of the 1995 CIP.

Baxter said 64th and Taylor drainage is shown for \$100,000 but the bid came in at \$55,000, so there is \$45,000 remaining and it could possibly be used for streets. Shanklin asked which streets were identified. Baker said the streets were identified as the top three priorities by the Public Works Department, and they are SW 75th Street from 119 SW 75th to Crystal Hills Blvd.; SW Lindy, 150 feet west of 43rd to 41st; and Crystal Hills Drive from Gore to approximately Beta. Moeller said two streets are in Ward 6 and one is in Ward 7; the fourth priority street cost was \$460,000 and it could not be fit in. Baker asked if the motion was to include Hunter Road if funds were available in the 1995 CIP. Mayor Powell said it was suggested but it was not part of the motion.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

6. Consider receiving a presentation from the Public Works Department regarding the current status of projects for the 2000 Capital Improvements Program. Exhibits: None.

Jerry Ihler, Public Works Director, gave a status report which is summarized as follows: Projects are generally on schedule as established; Water Pump Station #1 was behind waiting on a potential grant from ASCOG but the work had to be started so it could be constructed by July 2001 to meet peak demands and provide water to the West Industrial Zone. The Eastside Park contract was awarded in July 2000, which was a little behind schedule. Projects ahead of schedule are: Gore Blvd. from 67th to 82nd; 38th Street Project and Flower Mound Road Project. The 2000 CIP is made up of sales tax and ad valorem tax.

Sales Tax Projects:

Medicine Park Water Treatment Plant Expansion. Expanding the north plant from 25 mgd to 40 mgd and abandoning the south plant that was constructed in 1933. CH2M Hill received a notice to proceed on May 1; preliminary design is on-going, staff has reviewed it and sent back comments to the consultant. A coordination meeting is scheduled with DEQ to negotiate design parameters, which may include items such as the State allowing filtration at a rate of four gallons per minute per square foot and we will ask them to accept five gallons per minute per square foot to keep the cost down and not have to build as many filters.

Landfill Cells Two and Three: Ideal Construction, Inc. received a notice to proceed on May 9 and contract time was 180 days. The clay liner and synthetic liner are complete and the sand cover has been placed over the synthetic liner for about 95% of the area. Grassing and fencing are on-going. Two to three weeks are needed to complete the construction, and since October 12, the area has received about ten inches of rain so crews have not been able to work. Burns & McDonnell was hired to look at the future landfill site and prepare a master plan for the landfill expansion located on the 430 acres to the south of the existing landfill and provide a master plan to cover 30 years into the future, as well as preparing actual plans and specifications to cover 10 years into the future once cells two and three are filled with trash. Notice to proceed was issued to Burns & McDonnell on April 24, and they are also required to look at regulatory issues at the existing landfill on gas emission testing. The test result showed we came in below the regulatory limit meaning gas monitoring wells will not have to be constructed within the next five years and probably not within the next ten years. They were also asked to prepare a statistical analysis of the data that has been recovered over the last three years on a quarterly basis dealing with groundwater, and that was submitted to DEQ and approved.

Shanklin asked about the height of the existing landfill and the issue of the airport. Ihler said the vertical expansion was approved and FAA withdrew their objection. Mayor Powell complimented the appearance of the landfill with the new fencing.

Water Pump Station #1: The station feeds the industrial tower on Cache Road at Goodyear Blvd. to serve the West Industrial Park. A report was submitted to ASCOG on May 10 requesting grant funding and a response has not been received but we are proceeding with preliminary design; it should be constructed and on-line by July 2001 so if there are new prospects, it will not be a problem supplying them with water.

Shanklin said before we put in the line that went to the ground level reservoir at 67th and Atlanta, pump station one had to fill that at night but that line by-passes it now. He asked if that was correct and Ihler said yes. Shanklin said that should have eliminated a little pressure by not having to fill the ground level reservoir. Ihler said it helped some but the ground level tank serves west Lawton, as well as pump station three for the west tower on 82nd Street.

Flower Mound Road, Gore to Rogers Lane: On July 25, Council awarded an engineering contract to Robert B. Hendrick & Sons for \$270,000. This is a joint project with ODOT. Hendricks' contract is to design and prepare plans and specifications for a four-lane roadway; notice to proceed was issued July 25 and survey work is in progress, as well as gathering traffic and ownership data. A letter was sent to ODOT requesting that Flower Mound be placed on a December 2002 bid letting.

Smith asked if any of this included finishing Rogers Lane. Ihler said no, this project is the two miles from Gore north to Rogers Lane. Smith asked if there were plans to finish Rogers Lane. Mayor Powell said for Rogers Lane from Flower Mound to I-44, he was assured that Gibson and Rose would support the continuation of Rogers Lane onto I-44. Ihler said that section of road is in the 2025 Transportation Plan.

Eastside Park: C.H. Guernsey was awarded the contract with a notice to proceed being issued in July 2000. On September 25 a conceptual plan was received; preliminary design is continuing. Phase I of the park is four youth baseball fields.

Gore Blvd., 67th to 82nd Street: This project is not in the ODOT five-year plan, but we will have a better chance of receiving funds if the plans and specifications are complete. On July 25 Council awarded an engineering contract to MGR, Inc. for \$137,000 for design, plans and specifications for a four-lane roadway. Notice to proceed was issued in July, survey work is in progress, and data is being collected on traffic and ownership.

Central Junior High School and other school improvements: This is administered by the Lawton Public Schools and funds are transferred monthly for those purposes.

Economic Development: In June 2000, \$250,000 was appropriated to help fund the National Army Museum of the Southwest. Last week Council appropriated \$187,000 for infrastructure to serve the Silver Line Plastics Facility in the West Industrial Park.

Ad valorem tax projects:

First Water Distribution Project: Contract was awarded to S.M. Burk Mechanical Contractors to install approximately 3.2 miles of 12" and 8" water line. Notice to proceed was issued July 17 and contract time is 284 days. The project addresses high maintenance water lines, and the first project was broken up into four areas. Mission Village has 1,600 lf of 8" water line which is complete; Sullivan Village has approximately .8 miles of 8" and 12" line and work continues on service lines, grassing and clean up. For about the last month, no one has been able to work due to the wet conditions. Hunter Hills Addition has 2,400 lf of 8" and 1,500 lf of 12" water line; work has not yet started on this portion. Rolling Meadows Addition has a little over a mile of 8" water line; work has not yet started on this portion. The water line to serve Silver Line Plastics was added to Burk's contract and work started today.

Second Water Distribution Project: This addresses low fire flows and low demand in certain areas as identified by the fire study last year. Krapff-Reynolds received a contract to install approximately five miles of 8" water line; notice to proceed was issued July 10 and contract time is 300 days. The work area is bounded by Cache Road on the north, Gore Blvd. on the south, 11th Street on the east and Sheridan Road on the west. Contractor has installed two miles of line and is working on service lines, grassing and clean up. The second section, along Elm Street, will likely begin in later December, and the third section should be started around March.

NW 38th Street, Cache Road to Rogers Lane: Robert B. Hendrick & Sons Engineering was issued a notice to proceed on May 1. This is an ODOT project. Preliminary design is on-going; surveys, ownership and traffic study are complete. The City Manager submitted a letter to ODOT asking that the bid letting date be July 2002 and a response has not been received.

Fire Station #5 Relocation: GBA Architects are designing the four-bay fire station; notice to proceed was issued in April. Preliminary design work continues and site selection will be discussed tonight.

Purcell suggested that since new projects were just added to the 1995 CIP that the next 2000 CIP briefing have one slide to show progress of those 1995 CIP projects.

7. Consider authorizing the hiring of an additional Housing Rehabilitation Specialist for the Housing and Community Development Division of Planning and Community Development. Exhibits: None.

Frank Pondrom, Housing and Community Development Division, requested an additional employee to address the backlog of requests. Three people do this work and about 20 per year can be done, but because of the increased federal requirements on lead based paint and the fact that we are two years behind on the backlog, he felt it was time to request this employee to be able to serve the customers better.

Shanklin asked if Baker agreed. Baker said he recommended approval and that it will be federally funded and not exceed the administration cap.

MOVED by Shanklin, SECOND by Haywood, to hire this individual. AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

8. Consider adopting a resolution approving the 2025 Long Range Transportation Plan. Exhibits: Resolution 00-104.

MOVED by Shanklin, SECOND by Smith, that Resolution 00-104 be approved adopting the 2025 Long Range Transportation Plan.

Jensen said a technical correction was needed in the resolution to change the citation to say 23 USC Section 134 and

Section 8 Federal Transit Act, as amended, and 23 CFR Subpart C. Shanklin and Smith agreed to the amendment as stated by Jensen.

VOTE ON MOTION: AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution 00-104

A resolution adopting the 2025 Long Range Transportation Plan for the Lawton Metropolitan Area.

9. Consider awarding a construction contract to Jim Mayes Co., Inc. for the Flower Mound Road W/L (24") Project #2000-36. Exhibits: Map; Bid Tab.

Ihler said the City is participating in the Veterans Center construction with the water line. Low bid was Jim Mayes Company for \$214,405 and recommendation was to award the contract.

MOVED by Purcell, SECOND by Moeller, to award the construction contract to Jim Mayes Company for the Flower Mound Road project in the amount of \$214,405.

Devine said the engineer's estimate on line item three shows a unit price of \$8, and the bid from Hoeffler Brothers shows one cent. He asked why there was so much difference. Ihler said he presumed that Hoeffler Brothers put their money into the trenching and pipe. Shanklin said Mayes had \$38,000 total and Hoeffler had \$100 and he did not like that. Ihler said it was just where they put the money.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

ADDENDUM: Consider the following matters related to the Centennial Logo: 1) Approve a contract with Dr. Daniel A. Woesner for the sale, assignment, and transfer of the logo; 2) Authorize the City Manager to enter into sub-agreements for the authorized use of the logo; 3) Officially adopt the Centennial Logo. Exhibits: Contract w/rendering of logo.

Mayor Powell asked that the Addendum item be stricken and not considered.

CONSENT AGENDA:

10. Consider a resolution authorizing the installation of traffic control devices at 1407 NW 31st, Belmont at 6th and 11th, 1408 NW Williams, 52nd Street south of Lee Boulevard. Exhibits: Resolution 00-105; 10/19/00 Traffic Commission draft minutes excerpt. Action: Approval.

(Title only) Resolution 00-105

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton.

11. Consider approval of a Mutual Assistance Agreement between the City of Lawton and the City of Duncan, Oklahoma. Exhibits: Agreement. Action: Approval.

12. Consider approval of two Mutual Assistance Agreements between the City of Lawton for Fire and Police services and Lawton Correctional Facility. Exhibits: Agreements. Action: Approval.

13. Consider entering into contracts with: Mr. & Mrs. Jimmy Stanton, Mr. & Mrs. Kenneth Hall, Mr. Donald Landrum, Dr. James White, Jr., Mr. Thomas Stiger, Mr. Philip Raymond, Mr. Martin Zinser, Mr. Maxie McBride, Mr. & Mrs. Ralph Godfry, Mr. & Mrs. Steven Filer and Mr. & Mrs. Craig Billingsley for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. (Contracts on file) Action: Approval.

14. Consider accepting a contract renewal with the Oklahoma Highway Safety Office for projects related to the enforcement of traffic offenses and violations, authorizing the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval.

15. Consider ratifying the action of the City Attorney entering into a Reaffirmation Agreement in Andrew Ahhaitty and Dinita Gail Ahhaitty, Case No. 00-16901 WV in the Bankruptcy Court of the Western District of Oklahoma. Exhibits: Agreement and Amortization. Action: Approval.

16. Consider authorizing the City Attorney to enter into an economic settlement agreement for the sum of Five Thousand Five Hundred Dollars (\$5,500.00) in the District Court of Comanche County, Oklahoma, as settlement of the lawsuit styled: Donnette Lynn Gordon v. Jeffrey Scott Porter and The City of Lawton, Case Number CS-00-365 and directing the City Attorney to prepare and file a Journal Entry incorporating said resolution and settlement agreement for the Court's approval. Exhibits: Resolution 00-106 and settlement documents. Action: Approval

(Title only) Resolution 00-106

A resolution authorizing the City Attorney to enter into an economic settlement agreement for the sum of Five Thousand Five Hundred Dollars (\$5,500.00) in the District Court of Comanche County, Oklahoma, as settlement of the lawsuit styled: Donnette Lynn Gordon v. Jeffrey Scott Porter and The City of Lawton, Case Number CS-00-365, and directing the City Attorney to prepare and file a journal entry incorporating said resolution and settlement agreement for the Court's approval.

17. Consider approving a contract amendment with Burns and McDonnell Engineering Company, Inc. for the statistical analysis of groundwater results for two (2) semi-annual sampling events at the Landfill. Exhibits: Amendment to Agreement. Action: Approval.

18. Consider approving Change Order #1 and ratifying authorization to proceed with the work for Landfill Cells 2 & 3 Project #2000-8 with Ideal Construction, Inc. Exhibits: Map. Action: Approval.

19. Consider approving plans and specifications for the Fire Station #7 Re-roofing Project #2000-35 and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval.

20. Consider approving plans and specifications for the McMahon Memorial Auditorium Lobby Renovation Project #2000-34 and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval.

21. Consider approving the construction plans for a turn bay on Mission Boulevard to serve the Regency Arms Apartments. Exhibits: Site Plan. Action: Approval.

22. Consider acknowledging receipt of permit for the construction of 110 lf of 8" and 2,732 lf of 24" water lines and appurtenances from the Oklahoma State Department of Environmental Quality to serve the Flower Mound Road W/L (24") Project #2000-36, City of Lawton, Comanche County, Oklahoma. Exhibits: Map. Action: Approval.

23. Consider acknowledging receipt of permit from the Oklahoma State Department of Environmental Quality for the construction of waterlines with appurtenances to serve Comanche Nation Games. Exhibits: None. Action: Approval.

24. Consider approving receipt of a 2000 Save Outdoor Sculpture! Assessment Award from the Heritage Preservation/Smithsonian American Art Museum. Exhibits: None. Action: Approval.

25. Consider approving a Release of Mortgage on residential property belonging to Mrs. Velton T. Moore at 536 SW Carver, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approval.

26. Consider approving a Release of Mortgage on residential property belonging to Nathan Moore, Jr. and Lisa C. Moore, 2715 SW "I" Avenue, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approval.

27. Consider approving a Release of Mortgage on residential property belonging to Ms. Inez Booker at 820 Manning, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approval.

28. Consider approving two Releases of Mortgage on a residential property belonging to Ms. Viola Crawford at 2417 SW Jefferson, Lawton, Oklahoma, and authorize execution of the Releases of Mortgage. Exhibits: None. Action: Approval.

29. Consider approving the following contract extension: A. Liquid Sulfur Dioxide with DPC Industries, Inc.; B. Drainage Fabric with Maxwell Supply Company; C. Radios (Mobile Radio Equip Only) with Lawton Communications; D. Repair Clamps, Bell Joint Clamps and Steel Couplings. Exhibits: None. Action: Approval.

30. Consider awarding contract for Symbols and Roll Goods. Exhibits: Recommendation. (Bid Abstract on file) Action: Award to Vulcan, Inc.; 3 M, Inc.; Nippon Carbide Industries.

31. Consider awarding contract for Building Supplies & Materials. Exhibits: Recommendation. (Bid Abstract on file) Action: Award to Comanche Home Center.

32. Consider awarding contract for Street Sweeper. Exhibits: Recommendation; Bid Abstract. Action: Award to Midwestern Equipment Company.

33. Consider awarding contract for Rental of Self-Contained Hydraulic Fusion Machine. Exhibits: Recommendation; Bid Abstract. Action: Award to Secor of Houston, TX.

34. Consider awarding contract for Traffic Controller Enclosures. Exhibits: Recommendation; Bid Abstract. Action: Award to Pinkley Sales.

35. Consider awarding contract for Cellular Telephone Service. Exhibits: Recommendation; Bid Abstract. Action: Award to U.S. Cellular of Lawton, Wichita Falls, TX.

36. Consider awarding contract for Playground Equipment. Exhibits: Recommendation; Bid Abstract. Action: Award to

Miracle Recreation Equipment.

37. Consider awarding contract for Heavy Equipment Service and Parts. Exhibits: Recommendation; Bid Abstract. Action: Award to Darr Equipment Company.

38. Consider awarding contract for Asphalt Crack Filler. Exhibits: Recommendation; Bid Abstract. Action: Award to Sorco Products.

39. Consider awarding contract for Reupholster Service. Exhibits: Recommendation; Bid Abstract. Action: Award to L & L Machine.

40. Consider awarding contract for Sludge Lagoon Cleaning. Exhibits: Recommendation; Bid Abstract. Action: Award to Norton Construction.

41. Consider awarding contract for Field Lead Analyzer. Exhibits: Recommendation; Bid Abstract. Action: Award to Houston Analytical Systems.

42. Consider approval of appointments to boards and commissions. Exhibits: Memo. Arts & Humanities Council: Anneliese Heston, Term: 11/14/00 to 6/30/03; Museum of the Great Plains Trust Authority: Jack Bryan (City Representative) Term: 11/14/00 to 6/30/02

43. Consider approval of payroll for the period of October 30 through November 12, 2000.

MOVED by Devine, SECOND by Baxter, to approve the Consent Agenda items as recommended. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna, Devine. NAY: None. OUT: Smith. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Moeller reminded everyone that Thanksgiving and Christmas were coming up, and since the animal issue was on the agenda tonight, if people have a little extra money or dog or cat food, please remember the animals at the Animal Shelter.

Hanna said a Land Use Plan Workshop would be held at Vo Tech tomorrow at 5 p.m. and he encouraged attendance.

Haywood said there are five golf courses in Lawton and the surrounding area, and one is owned by Felton Dean about one-half of a mile from Ward 7. He said the newspaper might be interested.

Mayor Powell said the Christmas Parade and Boulevard of Lights lighting will take place Friday evening at 7 p.m.

BUSINESS ITEMS:

44. Pursuant to Section 307B9, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an economic development prospect to be located within the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

45. Pursuant to Section 307B3, Title 25, Oklahoma Statutes, consider convening in executive session to receive a briefing on the status of land acquisition for the Fire Station #5 relocation project, and if necessary, take appropriate action in open session. Exhibits: None.

46. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the civil suit styled The City of Lawton vs. Reynolds Ford, Inc., Case Number CJ-98-1204 in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

MOVED by Moeller, SECOND by Baxter, to convene in executive session to consider the items so listed on the agenda and recommended by the legal staff. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:20 p.m. and reconvened in regular, open session at approximately 9:30 p.m. with roll call reflecting all members present.

Baxter asked that Item 45 be moved up.

MOVED by Baxter, SECOND by Haywood, to accept the negotiated price for the land located north of the railroad tracks on the east side of 52nd Street, approximately eight acres and relocation of Fire Station #5 will be built on this site.

SUBSTITUTE MOTION by Purcell, SECOND by Smith, to direct that we purchase the land and build the fire station at site five as explained on the map which is north of Gore, between Gore and Cache.

Purcell said the reason for his motion was the OSU Fire Service study saying the location of the new fire station should be between Gore and Cache Road, and the Fire Chief is also saying it should be located to the north. He said we need to listen

to the professionals, they are the experts, and members of the Council do not know where we ought to locate a fire station.

Mayor Powell asked how old that study was. Purcell said it was done in 1995 and the Chief just gave a new recommendation tonight that said the same thing. Mayor Powell asked if Purcell knew if the study had been updated. Purcell said the Fire Chief gave information on where the number of runs are. Mayor Powell said the recommendation was based on that study, which is five years old.

Shanklin said a fire station was placed at 82nd south of Cache Road 20 years ago and he wondered what study was made that projected it for that location. He said it can only serve either outlying communities or properties back to the east, and that was a bad location, and a professional was likely involved at that time too. Purcell said part of it was located there because of Goodyear. Shanklin said he would not know how we could fight a fire at Goodyear.

Mayor Powell restated the original motion, as well as the substitute motion for a site around the Fairway Villa Townhouses. He asked if anyone knew the price of the land near the Fairway Villa. Baxter said it would be more than five times the cost of the location he had recommended. Purcell said it should be negotiated, and it was not known if it would be five times more expensive than the other location.

Shanklin said before making that determination, we should have a set figure because the price will go up once you say it will go north of Gore, and we should have already had something tentatively set. He said he was confused after having listened to the discussion in executive session, and there were runs here and there, and we are jumping the gun. Shanklin said he was not ready to make this decision and it is very important, it will be costly either way it is done, but he hated to see another one like on 82nd Street.

SECOND SUBSTITUTE MOTION by Shanklin, SECOND by Hanna, that this be tabled until we have a workshop for that item by itself. AYE: Haywood, Baxter, Hanna, Shanklin. NAY: Moeller, Smith, Devine, Purcell. TIE VOTE, MAYOR VOTED YES, SECOND SUBSTITUTE MOTION CARRIED.

Jensen reported on Item 44 that City Council met in executive session to confer on matters pertaining to economic development as authorized by Section 307B9 of Title 25, Oklahoma Statutes. He recommended a motion to direct city staff to work with the Lawton Water Authority and negotiate the sale of water to potential business prospects who are interested in the Lawton-Fort Sill area.

MOVED by Smith, SECOND by Hanna, to direct city staff to work with the Lawton Water Authority and negotiate the sale of water to potential business prospects who are interested in the Lawton-Fort Sill area. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Jensen reported on Item 46 that Council met in executive session to discuss pending litigation styled the City of Lawton vs. Reynolds Ford, Inc. He recommended a motion to accept Reynolds Ford's counter offer of \$6,000 and authorize the Mayor to execute the resolution.

MOVED by Devine, SECOND by Hanna, to accept Reynolds Ford's counter offer of \$6,000 and authorize the Mayor to execute the resolution. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution 00-107

A resolution authorizing the City Attorney to enter into an economic settlement agreement for the sum of Six Thousand Dollars and 00/100 Dollars (\$6,000.00) as settlement of the lawsuit styled: The City of Lawton vs. Reynolds Ford, Inc., Case No. CJ-98-1204, and directing the City Attorney to prepare and file a joint stipulation of dismissal with prejudice to dismiss the case with prejudice to the refiling of any claims of either party relating to the contract for the sale of nineteen 1998 police vehicle units.

Smith announced there would be a City Hall blood drive on Tuesday, November 21 and everyone is welcome between 1 and 5 p.m. Tee shirts will be given to each donor.

Mayor Powell wished everyone a Happy Thanksgiving.

There being no further business to consider, the meeting adjourned at 9:40 p.m. upon motion, second and roll call vote.